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December 10, 2013

**BY ECF**

Hon. George B. Daniels  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*  
Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

We write on behalf of plaintiffs to request the Court to set certain pretrial dates.

**1. Background.** With discovery largely complete in this long-open case, plaintiffs are working diligently to prepare a Joint Pretrial Order and to ready the case for a trial to commence at the earliest date that the Court's schedule allows.

To that end, we have attempted to agree on certain pretrial due dates with defendants. Although plaintiffs strongly believe that this case is not amenable to simplification through summary judgment briefing, we understand that the Court cannot forbid defendants to file a summary judgment motion within the time allowed by the Federal Rules of Civil Procedure. We therefore proposed, as a compromise, a schedule encompassing not only the JPTO, but also summary judgment and *in limine* motions. Our proposal to defendants is attached as Exhibit A.

Defendants have not responded to our proposal, even though—under the default deadlines currently in place—the parties must file the JPTO and any summary judgment motions in less than two weeks.

We had hoped to present a joint proposed pretrial schedule. However, as we have not received any response from defendants, and as the Joint Pretrial Order is currently

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due in less than two weeks, we respectfully ask Your Honor to enter the schedule set forth below.

**2. Proposed Pretrial Schedule.**

- Joint Pretrial Order due January 22, 2014;
- Summary judgment motions, if any, due January 22, 2014;
- *In limine* motions and jury instructions due February 24, 2014;
- Responses to summary judgment motions due March 7, 2014, unless the Court earlier denies any motion for summary judgment; and
- Replies to summary judgment motions and responses to *in limine* motions due March 28, 2014, unless the Court earlier denies any motion for summary judgment.

**3. Rule 16 Conference.** By submitting this request, plaintiffs in no way intend to supersede their prior application to this Court for a Rule 16 conference to discuss the following the topics:

1. Setting a firm trial date in this case;
2. Whether this is a case appropriate for summary judgment briefing, in light of the extensive evidence that defendants perpetrated and/or supported the acts of terrorism responsible for plaintiffs' injuries and deaths;
3. Resolving open discovery disputes (*i.e.*, objections concerning certain of Judge Ellis's rulings concerning the admissibility of documents produced by defendants and the BBC's motion to quash a subpoena relating to a 2003 broadcast news program entitled "Arafat Investigated");
4. The possibility of mediation; and
5. Establishing a procedure for the use of documents that have been marked as confidential at trial or in connection with hearings.

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Wherefore, plaintiffs respectfully request that the Court enter the schedule described above.

Respectfully submitted,

  
Kent A. Yalowitz

cc: All ECF Counsel

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November 26, 2013

**VIA E-MAIL AND FIRST CLASS MAIL**

Brian A. Hill, Esq.  
Miller & Chevalier  
655 Fifteenth Street, NW  
Suite 900  
Washington, DC 20005-5701

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*  
Docket No. 04-CV-397 (GBD)(RLE)

Dear Brian:

We are in receipt of defendants' letter to Judge Daniels dated November 22, 2013 regarding the scheduling of summary judgment and pre-trial order submissions in the above-referenced matter.

We strongly disagree with defendants' analysis in that letter. The Order of Reference to Judge Ellis never encompassed the scheduling of summary judgment or the JPTO. Therefore, we view defendants to be acting at their peril if they disregard the deadlines set by the relevant rules and practices.

However, as a compromise, plaintiffs would be prepared to jointly recommend to the Court the following dates:

- Joint Pretrial Order due January 22, 2014;
- Summary judgment motions, if any, due January 22, 2014;
- *In limine* motions and jury instructions due February 24, 2014;
- Responses to summary judgment motions due March 7, 2014, unless the Court earlier denies any motion for summary judgment; and

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- Replies to summary judgment motions and responses to *in limine* motions due March 28, 2014, unless the Court earlier denies any motion for summary judgment.

This compromise offer is available for only a limited time and will expire on the earlier of December 4, 2013 or the start of a conference with Judge Daniels.

Sincerely,

Kent A. Yalowitz / ctr

Kent A. Yalowitz